

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2012 MAR -9 P 4: 06

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

\_\_\_\_\_  
IN RE NATIONAL SECURITY LETTER.  
  
\_\_\_\_\_  
)  
)  
)  
)  
)  
)  
)  
)

Misc. No. 1:12-mc- 7

AJT/IDD

**MOTION TO SEAL**

Pursuant to Local Civil Rule 5(C), petitioner, the Attorney General of the United States of America, moves the Court for an Order placing under seal the Petition for Judicial Review and Enforcement of a National Security Letter Pursuant to 18 U.S.C. § 3511 and all future filings in this action pending further order of the Court. The grounds for this motion are:

- 1) The government's Petition asks the Court to enforce the nondisclosure provisions of a National Security Letter ("NSL") issued to and served upon respondent by the Federal Bureau of Investigation as authorized by statute, 18 U.S.C. § 2709(b).
- 2) The Attorney General brings his Petition pursuant to 18 U.S.C. § 3511, which provides that "[p]etitions, filings, records, orders, and subpoenas must . . . be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) . . . ." 18 U.S.C. § 3511(d).
- 3) In the NSL itself, an authorized FBI official certified, pursuant to 18 U.S.C. § 2709(c)(1), that disclosure of the fact that the FBI has requested the information sought by the NSL "may result [in] a danger to the national security of the United

States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person.” *See* 18 U.S.C. § 2709(c)(1).

- 4) To date, the FBI has not authorized public disclosure of the fact or contents of the NSL pursuant to section 2709.
- 5) To prevent public disclosure of the fact or contents of the NSL, including but not limited to the identity of respondent, the government requests that the Court enter an Order under Local Civil Rule 5 placing all current and future filings in this case under seal until further Order of the Court.

Accordingly, petitioner requests that the Court enter an Order granting this motion and placing the Petition, the Certificates of Service filed with this Motion and petitioner’s Motion to Set Briefing Schedule, and future filings in this case under seal pending further Order of the Court pursuant to Local Civil Rule 5.<sup>1</sup>

Dated: March 9, 2012

///

///

---

<sup>1</sup> Counsel for the Attorney General has been in communication with respondent and has inquired whether respondent opposes the relief requested in this Motion, but respondent has not yet answered that inquiry.

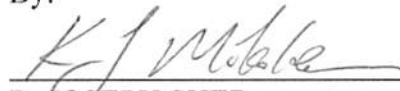
Respectfully submitted,

TONY WEST  
Assistant Attorney General

NEIL H. MacBRIDE  
United States Attorney

ARTHUR R. GOLDBERG  
STEVEN Y. BRESSLER  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
Counsel for the Attorney General  
Post Office Box 883  
Ben Franklin Station  
Washington, DC 20044  
Tel: (202) 305-0167  
Fax: (202) 616-8470  
Steven.Bressler@usdoj.gov

By:

A handwritten signature in dark ink, appearing to read "R. Joseph Sher", is written over a horizontal line.

R. JOSEPH SHER  
KEVIN MIKOLASHEK  
Assistant U.S. Attorneys  
2100 Jamieson Ave.  
Alexandria, VA 22314  
Tel: (703) 299-3809  
Fax: (703) 299-3983  
Kevin.Mikolashek@usdoj.gov